

Minutes of the Planning Commission meeting held on Thursday, May 3, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Karen Daniels, Vice-Chair
Ray Black
Martin Buchert
Vicki Mackay
Tim Taylor
Phil Markham
Chad Wilkinson, Division Manager
Ray Christensen, Senior Planner
Tim Tingey, Director Admin & Development Services
G.L. Critchfield, Deputy City Attorney
Citizens

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of April 19, 2012. Ms. Daniels made a motion to approve the minutes of April 19, 2012 as written. Seconded by Mr. Black.

A voice vote was taken. Motion passed, 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Conditional Use Permit for Roof Management Systems at 4617 South Cherry Street. Seconded by Ms. Daniels.

A voice vote was made. Motion passed 7-0.

Mr. Harland made note that item #5 on the agenda, Tony's Social Club, has requested a postponement until May 17, 2012.

Mr. Buchert made a motion to postpone item #5 on the agenda, Tony's Social Club to May 17, 2012. Seconded by Mr. Taylor.

A voice vote was made. Motion passed 7-0

STRIPPED, LLC – 231 West 4500 South – Project #12-44

Greg Ulibarri was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit for a soda blasting

business use. The property is in the M-G-C (manufacturing zone) where soda blasting is an allowed use subject to approval by the Planning Commission. The applicant indicated that the building will be used for storage and that one bay will be used for soda blasting. It is required that all soda blasting be conducted indoors to mitigate impacts on surrounding properties. The blasting material will be collected using a collection system and an exhaust fan. The use requires the property to have five paved, off street parking spaces including one ADA van accessible space with a sign. Section 17.72.070 requires that there is one parking space for every 250 square feet of net floor area for an office, and one for every 750 square feet for a warehouse for manufacturing use. The parking configuration will also need to be revised to meet current standards. The property is required to have ten feet of landscaping installed along all frontages. Parking space #9 on the site plan would require five feet of landscaping, but the parking could be reconfigured to eliminate this space if needed. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Ulibarri, 8279 South Maple Water Drive, owner of Stripped, LLC stated that he has completed the stripping, removed the trailers and has completed all the conditions of approval. The only thing left to do is have the Fire Marshall come over for an inspection.

The meeting was opened for public comment.

Frank Eric Walisky, 225 West 4500 South, stated he is the owner of the property to the east adjoining the applicants property. He stated that Mr. Ulibarri was outside sand blasting and that the tenants that live in the two rental homes that he owns found dust on all the cars. Mr. Walisky called the City to complain and in so doing it was discovered that Mr. Ulibarri was operating without a permit. Mr. Walisky is not opposed to someone operating a business as long as the conditions, rules and laws are met. Mr. Walisky expressed concern about the noise from the compressors and the dust. One of his tenants has a health issue and Mr. Walisky is concerned about the dust for that reason. If the operation is completely done indoors and is kept to respectable hours, he does not have a problem with it. He asked what his options are if Mr. Ulibarri does not comply with the conditions.

Mr. Harland stated that condition #9 addresses the issue of business being conducted indoors. He explained that if the conditions are not being complied with, Mr. Walisky should give the City a call and the City will send a code enforcement officer out to take a look. Mr. Walisky then asked what the hours of operation will be.

Mr. Ulibarri indicated that the business hours are 9am-5pm, Monday through Friday, with the possibility of working until 6pm every once in a while. Mr. Ulibarri did address the instance of the sand blasting occurring outdoors and stated that the employee who did that no longer works for the company. He also provided pictures of the 25'X4' dust collection system that he has purchased for containment purposes. Mr. Harland wanted to know where the compressors were located. Mr. Ulibarri stated that compressors were outside and located at the opposite side of the yard.

Benjamin Henderson, 231 West 4500 South, is the co-trustee of the family that owns

the property. Mr. Henderson commented that during all hours of the night, there are trains running down the rail line blowing their horns that are far noisier than a compressor. He feels that Mr. Ulibarri has complied with all conditions and hopes that his business succeeds.

The public comment portion for this agenda item was closed.

Mr. Buchert wanted to know if the master plan calls for the surrounding non-conforming buildings to become commercial/industrial at some point. Mr. Wilkinson responded by stating that the General Plan calls for commercial use. The current residences are identified as existing non-conforming, which means they were legally established and are allowed to continue without interruption.

Public comment was re-opened.

Mr. Walisky wanted to know if the non-conforming properties with which he owns changes hands, what will change. Mr. Harland responded that as long as the property stays residential, everything would stay the same.

Public comment was closed.

Mr. Black made a motion to approve a Conditional Use Permit for a soda/sand blasting business at the property addressed 231 West 4500 South, subject to the following conditions:

1. The applicant shall meet all applicable building codes.
2. The applicant shall submit plans by an appropriate design professional.
3. The project shall meet all current fire codes.
4. The project shall meet all engineering department standards.
5. The project shall meet all applicable water and sewer department requirements.
6. The property shall meet all of the requirements of the landscape code including ten feet of landscaping along all frontages.
7. The project requires 5 parking spaces that are striped, and one ADA accessible space with a posted sign.
8. The trash container shall be screened as required by Section 17.76.170.
9. All blasting shall occur indoors to mitigate impacts to adjoining properties.

Ms. Daniels seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Ray Black
A _____ Martin Buchert
A _____ Vicki Mackay
A _____ Jim Harland
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 7-0.

LARRY H. MILLER LEXUS – 5680 South State Street – Project #12-47

Trent Jones and Joe Romero were the applicants present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for a new Lexus auto sales and service building. Municipal Code Ordinance 17.160.030 allows motor vehicle sales and service with new building construction within the C-D-C zoning district subject to Conditional Use Permit approval. The property is located at the west side of State Street within the C-D-C zone. Some older existing buildings will be demolished and a new Larry H. Miller Lexus dealership building will be constructed on site. There are two existing parcels of property on the site to be used for the auto dealership. A portion of property to the south will be leased from another property owner for parking with a 10 year lease agreement. The west property boundary borders the residential zone which requires a six ft. high masonry buffer wall and 10 foot depth of landscaping adjoining the wall to meet zoning regulations. The floor plans show the new auto showroom area inside the building, office areas, parts sales and storage and auto service bay areas. The areas at the west and south side of the building will be used for auto repair, detailing bays and car wash. The site plan shows 344 total parking stalls on the site for the proposed business use which meets parking requirements, except seven disabled stalls are required to meet ADA regulations and need to be shown on the plans. The information provided with the floor plans shows the showroom display area contains 4,843 sq. ft. and the sales office area contains 15,137 sq. ft. There are 25 service bays, six quick lube bays, four detail bays, and one carwash which will require 86 parking stalls. The retail parts and parts storage areas contain 6,734 total sq. ft. and will require 34 total parking stalls. Based on the show room, office, service bays, parts sales and storage, a total of 206 parking stalls are required for these uses which will need to be designated on the site with signs. The other parking stalls shown on the site can be used for display vehicles for sale. The building complies with the setback requirements for the C-D-C zone. A landscaping plan has been provided for the site. The plan shows the site exceeds the minimum 10% required with 11.7% total site landscaping. The City is encouraging more trees on the State Street frontage area and staff is recommending a few more trees be provided on the State Street frontage at the location near the shrub areas and one or two trees centered between the two shrub areas toward the north side of the State Street drive access. A formal landscaping/irrigation plan will need to be submitted and be approved with the building permit. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Mackay asked if the property already has an existing car dealership on it. Mr. Christensen responded in the affirmative.

Trenton Jones, 730 Pacific Avenue, is with FFKR Architects and representing the applicant. He stated that they have reviewed the conditions and will comply.

Mr. Harland referred to condition #3 and asked how many additional trees they will be adding. Mr. Jones responded by saying three trees. He mentioned that the Miller Group is excited to get going on the project.

The meeting was opened for public comment.

Joe Romero, 9350 South 150 East, Manager of design and construction for the Larry H. Miller Management Company stated on the record that this property was Larry Miller's first dealership site and has a lot of sentimental value to the Miller organization. They appreciate all of the partnership that they have with Murray City. He noted that this particular dealership will be the crown jewel of the new dealerships that are being created. Mr. Harland made mention that he along with the rest of the commission are very appreciative of the contribution that the Larry H. Miller dealerships have made to the City.

Public comment was closed.

Mr. Buchert asked to know if the lease on the property is not renewed at the end of its 10 years, what will happen at that time. Mr. Romero responded by saying that after the 10 year lease is up, there are three 5 year extensions within that agreement. They have also been working with Sharrie Rushton, the owner of the motel property, for a first right of refusal to purchase the motel property. Mr. Buchert asked how the City handles a situation where parking is established based on volume of the business and when the land area decreases because of a land tenure relationship, what happens to the conditional use of a property? Mr. Christensen responded by saying that instances like this are reviewed with business licensing as well as changes of use. If they find there is a shortage of parking the dealership would either have to change the numbers of parking stalls for sale or change the businesses service bays in order to bring it into compliance.

Mr. Taylor made a motion to approve a Conditional Use Permit for a new Lexus auto sales and service building for the property addressed 5680 South State Street, subject to conditions 1-8 with a modification to condition #3 from "A few more trees" to "Three additional trees" as outlined:

1. The Murray Building Official requires the structure to comply with building and fire codes. The applicant is required to provide plans which are stamped and sealed by appropriate design professionals to include a code analysis and egress plans. The applicant shall provide a stamped and sealed soils report, from geo-technical engineer, at the time of submittal for a building permit.

2. The project shall meet all current fire codes as required by the Fire Department.
3. A formal landscaping/irrigation system plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted for approval by the Murray City Forester and be installed as approved prior to occupancy. Three additional trees are required to be provided on the State Street frontage near the shrub areas with revisions to the landscaping plan. A 10 foot depth of buffer landscaping is required adjoining the residential zone.
4. The trash containers shall be screened as required by Section 17.76.170.
5. Meet all Water & Sewer and Power Dept. requirements for the project.
6. Provide adequate paved and striped parking stalls to comply with the land use ordinance regulations, including revisions for seven total disabled person parking stalls to comply with ADA regulations with signs posted. Designate customer and employee parking on the site with signs.
7. Comply with the Murray City Engineer's requirements for the following:
 - A. Provide the Murray City Engineer a storm drainage plan to comply with Murray City requirements.
 - B. The applicant shall repair any damaged curb, gutter, and sidewalk along the State Street and Stauffer Lane frontages.
 - C. Obtain UDOT approval and permits for any changes to the drive accesses on the State Street frontage.
 - D. Upgrade the sidewalk access ramp at the southwest corner of State Street and Stauffer Lane.
 - E. Obtain a Land Disturbance Permit prior to construction and demolition work.
8. The site shall comply with City fence code, including a masonry wall at the west side of the property adjoining the residential zone.

Mr. Markham seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Ray Black
A _____ Martin Buchert
A _____ Vicki Mackay
A _____ Jim Harland
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 7-0.

CASTLE JEWELERS, INC – 5823 South State Street – Project #12-48

Angelo Vardakis is the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval for a jewelry loan business. Municipal Code Ordinance 17.152.030 allows a jewelry loan business within the C-D-C zoning district subject to Conditional Use Permit approval. The building is 1,600 square feet of retail space. The use requires the property to have eight paved, off street parking spaces including one ADA van accessible space with a sign. Section 17.72.070 of the Murray City Zoning Code requires that there is one parking space for every 200 square feet of net floor area for retail businesses. The parking configuration will also need to be revised to meet current standards. In order to reconfigure the parking spaces, there will need to be five feet of landscaping installed along the east property line as well as the north property line. Ten feet of landscaping is also required along the State Street frontage. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Vardakis, 601 South State Street is the owner of AAA Jewelers has reviewed the conditions and is more than willing to comply.

The meeting was opened for public comment. No comment was made and the public comment period was closed.

Mr. Markham stated that previously there was a dry cleaning business at this location for a long time. He asked if any mitigation is needed to take place, such as soil sampling, etc. Mr. Wilkinson stated that mitigation usually takes place only if the site needs to be scrapped or taking down an old building and putting up a new one. However, with the use of an existing building there isn't a need to do any mitigation.

Mr. Buchert made a motion to approve the Conditional Use Permit for a jewelry loan business at the property addressed, 5823 South State Street, subject to the following conditions:

1. The project shall meet all applicable building code standards including submittal of plans by an appropriate design professional for review and approval by the building department.
2. The project shall meet all current fire codes.
3. Landscaping needs to meet the requirements of Chapter 17.68 of the Murray Municipal Code. This includes five feet of landscaping along the East and North property lines where it abuts parking, and ten feet of landscaping along the frontage to State Street.
4. The trash container shall be screened as required by Section 17.76.170.
5. Comply with all Murray Water & Sewer and Power Department requirements.

6. The parking lot needs to be reconfigured to meet current standards.
7. All of the parking stalls shall be paved and striped, including one disabled stall with sign posted, to meet zoning code.
8. The project shall meet all engineering department standards.

Ms. Daniels seconded the motion.

Call vote recorded by Ray Christensen.

A ☐ Karen Daniels
A ☐ Ray Black
A ☐ Martin Buchert
A ☐ Vicki Mackay
A ☐ Jim Harland
A ☐ Tim Taylor
A ☐ Phil Markham

Motion passed, 7-0.

MARRIOTT RESIDENCE INN – 171 East 5300 South – Project #12-35

David Kimball was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a six-story 135 room hotel development the properties addressed 155, 185, 239, and 243 East 5300 South and an additional strip of land that is anticipated in the sale from the county. That strip is located on the north end of the property. Municipal Code Ordinance 17.160.030 allows hotel development within the C-D-C zoning district subject to Conditional Use Permit approval. There is a misprint on one of the plan sheets indicating 141 rooms. However, based on the submitted floor plans, the proposal has been verified at 135 rooms. A variance was granted by the Board of Adjustments allowing for an additional 12 feet of building height in 2011. In addition, a recent zone change was approved by the City Council for a portion of the parking lot currently associated with the County Ice Arena facility, which the applicant has indicated he will purchase for use by the hotel in order to meet minimum parking requirements. Minimum parking requirements for a hotel use are calculated based on the number of rooms. The Code requires a minimum of one parking space for each sleeping unit (room) plus parking for any accessory uses such as a restaurant, etc. The proposed hotel does not include a restaurant or any other use expected to generate traffic other than the hotel. The proposed plan shows 135 rooms requiring a total of 135 parking spaces. The proposed plan shows a total of 131 parking spaces that are completely within the boundaries of the property. An additional five spaces are split by the property boundary with the County. In order to meet the parking requirements, the applicant will need to provide evidence of a shared parking agreement with the county for the five additional spaces that are split by the property line. With those spaces the parking will total 136 spaces which will meet the minimum requirement. The zoning

ordinance requires a minimum front setback of 20 feet from the front property line. The proposed building is setback approximately 68 feet from 5300 South and approximately 75 feet from Murray Park Lane. The Code limits the height of buildings to 35 feet within 100 feet of a residential zoning district. An additional foot of height is allowed for every additional four feet of setback from the residential zone. A variance was granted allowing an additional 12 feet of building height. The applicant has provided a table demonstrating that the building meets the maximum height standards of the Code. Based on the building height definition in the Code, which calculates height based on the average elevation of the perimeter of the lot, the building meets the maximum height standards of the Code. The building height calculations are contingent on the parcels being consolidated into one parcel prior to building permit. The applicant proposes a total of 22 percent landscape area which exceeds the minimum code requirement of 10 percent for the C-D-C zoning district. A minimum of 10 feet depth of landscaping will be required along all frontage areas exclusive of driveway approaches. A formal landscaping and irrigation plan meeting the standards of the Code is required at the time of building permit submittal. Access to the property is proposed from both 5300 South and Murray Park Lane. The access on 5300 South has been proposed to align as much as possible with Hillside Drive. The access on Murray Park Lane is proposed to be combined with the existing access for the County property. The City Engineer has indicated that the driveway proposed on 5300 South may need to be adjusted depending on the final plans for the junior high school and the location of the access for the school. A traffic study has been completed and the executive summary has been attached. After review of the study the City Engineer has recommended that the applicant should assist the City in striping a west bound right turn lane on Murray Park Lane. The city Building Official indicated that the applicant will need to provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan. The applicant will also be required to provide a stamped and sealed soils report from geo-technical engineer when submitting for a building permit. Buildings shall not be constructed over property lines, may need to consolidate property into one parcel. The City Engineer has requested that the applicant assist in providing a west bound right turn lane on Murray Park Lane in order to ease congestion. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Black commented that the Planning Commission received a letter shortly before the meeting stating some confusion as to who changed the zoning to C-D-C. Mr. Wilkinson clarified that it was the City Council that approved the zone change.

Mr. Buchert asked if the plans for the new Jr. High School will be done before the Marriott begins construction, so that they can align their driveway and crosswalk. Mr. Wilkinson did not know when the plans for the junior high school would be done. Tim Tingey made mention, that to his knowledge, the timing of the junior high school will not be this year. Mr. Wilkinson stated that there will not be a requirement for the two drives to align, but it is suggested that they do.

David Kimball, 1000 South Main Street, stated he is the owner of this development. He acknowledges the concerns that go along with this project including security and traffic. He made note that this project is a high end hotel. The traffic report states that

there will be less than 90 trips per day. They have read the conditions and agree to fully comply with all 16 conditions including the road and access.

Ms. Daniels asked if Mr. Kimball was planning on making the property more level. Mr. Kimball said that from the east to the west they will be bringing down some of the dirt and change the grade somewhat. The parking will be kept as is so as not to disturb the aesthetics.

Mr. Harland stated that the Planning Commission did receive a letter prior to the meeting signed by the citizens of Murray, composed by Roberta Jelovchan of 301 East 5300 South, who was unable to attend this meeting. She indicated in the letter that she and several of her neighbors are opposed to the hotel and that the city has violated a number of items in the Murray General Plan. Mr. Harland said that this property is zoned C-D-C and the Planning Commission will be making decisions based on the requirements for that particular zoning.

The meeting was opened for public comment.

Yarah Taylor, 367 Hillside Drive, stated that there are things that haven't been fully planned out and developed including the coordination between the new Jr. High School and the hotel. She stated several concerns: 1. Would alcohol be served at the hotel; 2. The amount of traffic the hotel would generate in addition to the junior high school and Library across the street; 3. The safety of the crosswalk with the traffic; 4. Large events parking for the ice arena and recreational field.

Jim Towers, 246 East 5300 South is in opposition to the proposed use of this parcel. His concerns are: 1. Traffic and safety 2. Parking for special events at the ice rink and recreational field 3. Property values taking a nose dive 4. The elevation and appearance of the project.

Ryan Butters, 5308 Alpine Drive, agreed with what has previously been stated by Ms. Taylor and Mr. Towers. His experiences with having three hotels right next to his high school included a drug dealer that operated out of his high school, a friend was raped and several were molested. His concern isn't so much with the Marriott, but moreover what might happen if they go out of business and another lesser quality owner comes in. He does agree that something needs to be done with that area, but is concerned about a hotel.

Colleen Ogrin, 269 East 5300 South, indicated she is representing not only herself, but also her neighbors that could not be at the meeting. She feels that the project is too large for the property and would be an eye sore to the area and decrease the aesthetics of the neighborhood. She doesn't feel that the location is a good one. The only way to build the hotel at this location was to impose upon surrounding properties. This is a heavily traveled pedestrian area. She wonders if it makes sense to increase commercial development and the traffic that it brings in an area where there are schools and a residential area that has no sidewalks. There is currently not enough parking in this area. She has done some research on extended stay hotels. Those types of hotels were developed for business travelers, but due to telecommunication technology and the economy, that has changed. Articles that she has read refer to

them as slums in the making and magnets for crime. Some cities are trying to regulate them or get rid of them all together. She feels that a hotel of any kind invites a certain amount of undesirability. She also feels that a hotel is not needed in this area as there are numerous hotels that are accessible by Trax. She is dissatisfied with the way the surrounding commercial properties maintain their properties and in particular the property that Mr. Kimball now owns. Because of the lack of maintenance pipes broke twice and the water was running out the walls of one of the buildings, across the parking lot and into the gutter. The garbage at the old Take Five remained there for over a year. She feels the responsibility is unclear of who is to maintain county parking versus hotel parking and the shared usage of an access road. She is asking the board to deny the Conditional Use Permit.

Mike Newland, 5320 Alpine Drive, stated that he is in agreement with everything that has been already said. He feels that regardless of the traffic study that has been done, there are issues that have not been taken into consideration. He also thinks that asking the hotel owners to pay for restriping of the street that goes north off of 5300 South is relatively insignificant. The real issue is the traffic going in and out of the hotel.

Kathleen Ogrin, 269 East 5300 South, stated she resides in the house adjacent to the hotel property. It is her opinion that it is not an appropriate place to build a hotel. The current commercial buildings that are in the area are not excessively tall and not easily visible from within the neighborhood. The current plans of the building would allow a view into her private property. This not only concerns her and scares her as total strangers will be able to look into her house and backyard and she would not have any privacy. She lives in Murray and works in Murray and doesn't feel that she should have to move in order to feel safe and comfortable in her own home. She doesn't feel that it is right for others to make money at the expense of others feelings of security. In the past she has experienced an invasion of privacy through people in the grand stands of the recreation fields looking into their house with binoculars. Although that is not any better than someone from a hotel looking down onto her property, she could at least see the people in the grand stands. She asks the commission to look at this project from her perspective when making their decision.

Public comment was closed.

Mr. Kimball emphasized that he wants to be a good neighbor and does not want adversarial feelings; however, he feels that there are some misconceptions that he would like to clear up. The traffic study that was not a requirement and was done independently (meaning he did not know anyone at the company that conducted the study). This study concluded that a fast food restaurant in that location would produce four times more traffic trips per day than the proposed hotel. The parking that is there is more than sufficient for the use. From what he understands the parking for the new junior high school will be on 5300 South, so that would mean the Jr. High School would not be right next to the school. The main use for this hotel is for people who are visiting the hospital (i.e. women's specialty, doctors). Security will be both in and outside of the hotel monitoring activities in the halls, parking lot and surrounding area. It is the hope that the hotel will have an average of 60% occupancy. He stated that there are other locations, but he feels that this is a very good site for this type of

business. He doesn't feel that the customer base is the type of customer that will be purposefully looking into people's backyards. In addition, the rooms will be facing north and south and there will be no windows facing to the east or the west. He doesn't feel like the hotel will be taking away from the parking of the recreation facilities as the fixed grand stand in the recreation field will be removed and more parking will be added. Mr. Harland asked Mr. Kimball if the hotel will have a restaurant. Mr. Kimball stated that Residence Inns require an eating facility for breakfast and dinner, but does not have a restaurant. Mr. Kimball added that Residence Inn also offers a wine/beer amenity for customers only.

Jory Walker, 13459 South 1400 East of Beecher Walker Architects is the architect with the project. He pointed out that the Residence Inn is the highest line that the Marriott franchise has. To clarify, there are windows that face the ends of the hotel. Those rooms are bathrooms and bedrooms. The living rooms are the rooms with balconies that will be facing north and south. There is 20 feet of slope across the site, so the hotel has been pushed one whole story down into the ground making it only 5 stories tall on the east side. The second level on that side will walk out into the parking. Most of the parking is located on the hotels site. One requirement by the architect firm and the Marriott is that once a resident entered into the parking lot off of 5300 South, they did not want them to re-enter onto Murray Park Lane to access any upper parking. There will be an access to the shared access road to get to the upper parking in order to keep the traffic confined to the site. Mr. Walker re-emphasized how much more traffic there would be if there were a convenience store or a fast food restaurant being built. Having a Residence Inn will have some of the least impact on traffic congestion. In addition, having a flagship Marriott Residence Inn will be a real feather in the cap of Murray City.

Mr. Harland asked if Mr. Walker has had discussions and/or coordination with the school district. Mr. Walker stated that they have not as of yet. Protocol usually dictates that the first development in determines where the road access will be. The usual courtesy is for the engineers of each development to coordinate and go over site plans. He stated it is much safer for cars to approach head to head rather than be offset. Mr. Walker stated that they have flexibility for the drive access by about 60 feet along the frontage. He stated once their access point is established, hopefully the school would coordinate their access point directly across from the hotels.

Mr. Harland asked Mr. Walker to address the concerns previously expressed regarding drugs, rape, and security issues for the property itself and in relationship to the school. Mr. Walker responded that Marriott hotels have a very high security and all their doors are card accessed locked doors with cameras in all the parking lots and front desk staff 24 hours per day. They are required to keep the parking lots lighted 24 hours a day to a certain candela. The city wants the lights dimmer, but the hotels want the brighter lights. He stated they will have a night study plan which will be shown on the plans indicating the illumination of the night lighting during the night hours plus an additional plan from 6 pm to 10 pm. He stated Marriott Hotels are known for their security. He stated that Marriott Residence Inn's are the finest hotels that Marriott has and has a high end clientele. Mr. Walker stated that student's safety is not a concern and the school is across the street back behind the school parking lot.

Mr. Black stated that kids will hang out at any type of business where they are allowed to hang out at, whether it's a fast food place, a pawn shop or car dealership. He stated if kids know there is on-site security and are not welcome to hang out at a business this would be a deterrent for them. He commented that hopefully the hotel would be trying to protect the area rather than attracting vandalism or things of this nature. Mr. Walker stated that it would not be in the hotels best interest to attract kids to hang out there but rather attract high end clientele, high end functions and there are a lot less expensive hotels that could have been developed on this property.

Mr. Harland asked Mr. Walker to respond to the concerns expressed about the height of the hotel, that the hotel would be an eye sore in the community and the reduction in surrounding property values. He stated that most office buildings are 14 feet in height measured floor to floor; whereas this hotel is 9 feet 6 inches floor to floor. The hotel will only be 5 stories on the side adjacent to the new parking lot and has been pushed back on the side further from the street which is actually more costly for them. The stated they are attempting to mitigate the impacts to the residential neighborhood with having a high end hotel that is very nicely designed. He stated the zoning regulations require a minimum of 10% landscaping and they will have double that requirement, and Marriott has a strict landscaping design with flower and trees.

Mr. Black asked for clarification regarding the hotel and being owner operated. He understands that Dave Kimball is the owner of the property but Marriott will operate the business 100%. Mr. Kimball responded that Marriott will oversee the operation but he will hire a management company to manage the property that manages other hotels to the Marriott standards. Mr. Kimball stated that the property management company must be approved by Marriott and not just any third party management company can manage the property. Mr. Walker explained that he is in the process of working with Marriott located in the city of Provo where they just gutted the property and Marriott has such strict standards that they have had 4 months of designing. He stated that every 4-5 years Marriott requires the hotels to be updated and remodeled with very strict standards.

Mr. Markham asked Mr. Kimball about the facility aging and potentially being sold and the type of franchise agreement with this property. Mr. Kimball responded he has a 10 year franchise agreement. He stated hotels are in need within the close proximity of Intermountain Medical Center and this is an attempt to have an investment to increase property values and increase tax dollars to Murray City. Mr. Walker explained that he has worked on Marriott hotels in the past and currently there is a Marriott adjacent to the Energy Solutions Center downtown but the franchise rights are so costly that it was not possible for them to purchase those rights.

Ms. Mackay stated that the Planning Commission's role is to ensure that an application meets the conditions for Conditional Use Permits and in order to have that information the city planner's review the applications in a professional and serious manner and decisions made are not made in light.

Mr. Markham stated that the commissions role is to ensure that a project meet the regulations and address any mitigating factors. He stated the fact is that this property

is commercially zoned, the property owner has the right to develop his property within the established zoning, and the Planning Commission's responsibility is somewhat limited. He stated the planning commission is not a body that can overturn a zoning that has been previously approved by the City Council who is a legislative body. The decisions of the commission and City Council are not made lightly and are taken very seriously.

Mr. Harland stated that the staff and commission have reviewed this application with regards to compliance to the current zoning regulations and any exceptions to those requirements.

Mr. Buchert asked staff if there are any plans for the city to try and mitigate traffic impacts at the intersection of 5300 South and Murray Park Lane. Mr. Wilkinson noted that as the new junior high school is constructed there could be potential for an additional right turn lane into Hillside Drive as well as other conditions considered at 5300 South and State Street. State Street is a state highway, so there are restrictions with UDOT (Utah Department of Transportation) that will need to be discussed. Impacts of a development and not just the existing conditions are always considered.

Mr. Taylor made a motion to approve a Conditional Use Permit for the Marriott Residence Inn, 135 room hotel development at the property addressed 155, 185, 239, and 243 East 5300 South, subject conditions the following conditions and with a modification to condition #8 changing the wording from "westbound" to "southbound" right turn lane on Murray Park Lane:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes including fire flow requirements.
3. Provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.
4. Provide stamped and sealed soils report from a geo-technical engineer when submitting for a building permit.
5. The project shall meet all Power Department requirements.
6. The project shall meet all Water and Sewer Division requirements.
7. Prior to building permit, the properties shall be combined into one parcel.
8. The applicant shall provide a southbound right turn lane on Murray Park Lane.
9. Provide evidence of a shared parking and access agreement with the County.
10. A land disturbance permit (LDP) is required prior to construction on site.

11. Submit a drainage plan for review and approval by the City Engineer.
12. Exterior lighting shall be directed down and be shielded on the sides.
13. Signs will require a separate sign permit(s) and shall be subject to code requirements.
14. Repair any damaged curb, gutter and sidewalk along 5300 south and Murray Park Lane. Note: The location of the driveway on 5300 South may need to be revised in order to align with the Jr. High School access and crosswalk.
15. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
16. The trash container shall be screened as required by Section 17.76.170.

Ms. Daniels seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Ray Black
A _____ Martin Buchert
A _____ Vicki Mackay
A _____ Jim Harland
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 7-0.

Mr. Harland and Mr. Markham thanked the public for the way in which they conducted themselves and the respect they showed in this meeting. Ms. Mackay addressed Mr. Kimball and the managers of the hotel to be sensitive to the surrounding residence and work with them during the construction of the property.

Mr. Harland made mention that Mr. Black will be excused for a few moments.

WINCHESTER OVERLOOK – 6648, 6650, 6652 & 6658 South Tripp View Lane and 1271, 1273, 1275 & 1279 West Tripp View Lane – Project #12-49

Keith Tripp was the applicant present to represent this request. Ray Christensen reviewed the location and request for subdivision approval for amendments to the Winchester Overlook condominium plat for the properties addressed 1271, 1273, 1275, 1279 West Tripp View Lane and 6648, 6650, 6652, 6658 South Tripp View Lane. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the planning

commission. This development was originally approved in Taylorsville, but was later annexed into Murray City. The zoning on this property is R-M-15 (Medium Density Multiple Family). The applicant is proposing to change building plans for two buildings. One of the buildings plans will change from four units to three units and the floor plans and elevations will change for the new four-unit building. The revised plan shows a change to the location of a gazebo and a covered mail box structure on the property. This plan also eliminates a pedestrian paved pathway between the Winchester Overlook development and the Winchester Townhomes development to the west. The Winchester Townhomes developer was previously granted approval, by the Murray Planning Commission, to eliminate the interior pedestrian paved pathway on their property. The buildings shall comply with the approved setbacks for the Winchester Overlook Condominiums. The project shall comply with the approved landscaping plan for the Winchester Overlook Condominiums with the final building phase of the development. Access to the property is from Winchester Street and 1300 West Street. The Building Official noted approval for the amended subdivision plat. The project shall comply with building code requirements. The Murray Power Dept. noted this area is served by Rocky Mountain Power. The Murray Fire Marshall noted the project shall comply with fire code requirements. The Murray City Engineer will require the road (work began in 2007) to be completed. All subdivision improvements will need to be complete by July 30, 2012. The developer need to provide the City with verification that a bond still exists for the remaining unfinished subdivision improvements. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission approve the proposed building changes, to eliminate the interior pedestrian pathway and send a positive recommendation for approval of the amended Winchester Condominium plat to the Mayor for approval subject to conditions.

Mr. Harland noted that Mr. Black was back in attendance.

Ms. Daniels stated that the reason they are asking that the sidewalk be eliminated is because it seems to be a sidewalk to nowhere. Mr. Christensen reiterated that was correct and that the sidewalk on the existing plans serves no purpose, because the location of it would only go to a retaining wall. Mr. Taylor wanted confirmation that it was the Planning Commission that eliminated the sidewalk to the north or if the Planning Commission were the ones who requested the sidewalks to be put in because there were no sidewalks or connection in the plans. Mr. Wilkinson stated that it was originally approved in Taylorsville. Murray City then annexed the project and has been supervising the build out of the project. There are two separate developments; one at the corner of 1300 West and Winchester and the other one wraps around on Tripp View Lane. The owner of the development that is on the corner requested the Planning Commission to modify the original approval through Taylorsville to eliminate the sidewalk connection to the Winchester Overlook development. The Planning Commission considered that and the improvement made in lieu of that was a cross hatch trail that goes from 1300 West to the existing gazebo. Mr. Harland asked when this development was annexed. Mr. Wilkinson made an estimate of 2007.

Keith Tripp, 879 South Fork Drive stated that if a sidewalk were to be put in, it would end up at an eight foot wall. The two end units to the north will stay the same; it is the

area in front of the two south units that they would like to change. The 4-unit building that is being on the original plan is now going to be scaled down to a 3-unit building. The planned gazebo will now be bigger and on the east end of the 3-unit building.

Mr. Harland asked Mr. Tripp if he has reviewed the six conditions and can comply. Mr. Tripp acknowledged in the affirmative, but would like a bit of leeway on the completion date that was set of July 30, 2012 until they are able to get both buildings in. Mr. Harland told Mr. Tripp he will need to work with Staff on a date change. Mr. Tripp responded in the affirmative.

Mr. Tripp stated that he has a landscape plan that had been approved by Taylorsville for the entire area, but did not bring that with him to the meeting. Mr. Harland stated that he would need to submit that to Staff as well.

The meeting was opened up for public comment.

Jon Wiest, 6662 Tripp View Lane is a resident of the lower part of the Winchester Townhomes. He was the first occupant in the development and just wanted to state that he is looking forward to the completion of this development. He and his wife are both in favor of granting the Plat Amendment.

Public comment was closed.

Mr. Wilkinson wanted to clarify condition #6. The date of July 30, 2012 that is mentioned is talking about the completion of the subdivision improvements (i.e. streets, infrastructure, etc.) not the gazebo. Because this was a project originally approved in Taylorsville, but has since been annexed into Murray and he s trying to supervise the completion and get some of the improvements done.

Ms. Daniels made a motion to send a recommendation of approval to the Mayor of the amended Winchester Overlook Condominiums plat for the proposed building changes and the elimination of the interior pedestrian pathway for the properties addressed 6648, 6650, 6652 & 6658 South Tripp View Lane and 1271, 1273, 1275 & 1279 West Tripp View Lane subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations
3. The project shall meet all applicable building code standards.
4. The project shall meet all current fire codes.
5. A landscaping/irrigation system plan shall be submitted with the building permit for approval by the Murray City officials for compliance to landscaping requirements.
6. The City Engineer requires that all subdivision improvements will need to be complete by July 30, 2012. The developer needs to provide the City with verification that a bond still exists for the remaining unfinished subdivision improvements.

Mr. Taylor seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Ray Black
A _____ Martin Buchert
A _____ Vicki Mackay
A _____ Jim Harland
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 7-0.

ALDER SUBDIVISION – 4060 South 500 West – Project #12-46

Bruce Alder was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary and final approval for a two lot commercial subdivision. Ray Christensen reviewed the request for Alder Subdivision at the property addressed 4060 and 4080 South 500 West. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The properties are developed with existing businesses in two buildings with parking and landscaped areas on the site. The purpose of the subdivision is to allow for the buildings to be sold separately. The private driveway into the property will be a shared drive access between the two properties. The applicant has provided a copy of a Declaration of Easements and Covenants, Conditions and Restrictions for this subdivision. The applicant stated the two properties will comply with the parking stalls requirement for each building separately with four additional parking stalls to be paved and striped for lot #1. The building on lot #1 contains 5,420 sq. ft. in office space and 43,220 sq. ft. in warehouse with a total of 80 parking stalls required. The plans show 76 parking stalls provided which will require 4 more parking stalls to be paved and striped to comply with code. The building on lot # 2 contains 5,000 sq. ft. office space and 38,332 sq. ft. in warehouse space for a total of 43,342 sq. ft. which will require 72 parking stalls total. The plans show 98 total parking stalls are provided. Based on the information presented in this report, application materials submitted and the site review, staff recommends sending an approval to the Mayor for preliminary and final subdivision subject to conditions.

Bruce Alder, 3939 South 500 West, stated he representing is this proposal. He stated that buildings were built 17 years ago with the idea that they would keep it and therefore did not subdivide it at the time. IC Security approached them and would like to buy the building, so both parties came to an agreement. In order to make that sale happen, the site needs to be subdivided, so he is hoping for an approval.

Mr. Harland asked if Mr. Alder has had time to review the conditions and is willing to comply. Mr. Alder stated was able to review the conditions today and doesn't see a problem with compliance.

The meeting was opened for public comment. No comment was made and the public comment period was closed.

Mr. Buchert Ms. made a motion to send a recommendation of approval to the Mayor for preliminary and final commercial subdivision of two lots for the property addressed 4060 South 500 West, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
The applicant shall provide a copy of an agreement that allows drainage from lot #2 to drain to the detention basin on Lot #1. The agreement shall be recorded with the plat or property sale.
2. Meet all the requirements of Murray City Power Department and Murray City Water and Sewer Division.
3. Show utility easements on the lots to comply with Murray City and utility company requirements.
4. The project shall meet all applicable building code standards.
5. The project shall meet applicable fire codes with no changes to the drive access road.
6. The site shall comply with Murray City parking regulations, including disabled parking stalls, and 4 additional paved and striped parking stalls shall be located on Lot #1.

Ms. Daniels seconded the motion.

Call vote recorded by Ray Christensen.

A ☐ Karen Daniels
A ☐ Ray Black
A ☐ Martin Buchert
A ☐ Vicki Mackay
A ☐ Jim Harland
A ☐ Tim Taylor
A ☐ Phil Markham

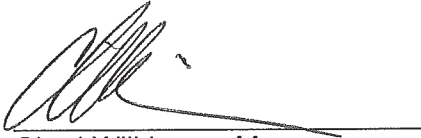
Motion passed, 7-0.

OTHER BUSINESS

Mr. Wilkinson thanked Mr. Buchert for his service on the Planning Commission and wished him the best of luck. Mr. Harland added that Mr. Buchert has been an outstanding member even though his time on the board was short.

Planning Commission Meeting
May 3, 2012
Page 20

Meeting adjourned.

A handwritten signature in black ink, appearing to read 'Chad Wilkinson', with a long horizontal line extending from the end of the signature.

Chad Wilkinson, Manager
Community & Economic Development